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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/783,447	02/14/2001	Edward Manestar	13252/9003	8910

7590 10/18/2002

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EXAMINER
RAEVIS, ROBERT R

ART UNIT	PAPER NUMBER
2856	

DATE MAILED: 10/18/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application N .	Applicant(s)	
	09/783,447	MANESTAR, EDWARD	
	Examiner	Art Unit	
	Robert R. Raevis	2856	

-- The MAILING DATE of this communication app ars on the cov r sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____ .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-27* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *1-17* is/are allowed.

6)☒ Claim(s) *18,19 and 22-27* is/are rejected.

7)☒ Claim(s) *20 and 21* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3 .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

1. This reissue application does not include written consent to the filing by all of the assignees (37 CFR 1.172(a)). See MPEP Sec 1410.01. Please provide a statement with the required written consent.

2. This reissue does not provide for either the surrendering of the original patent, or contain a statement that the original patent is lost or misplaced. Either surrender or the statement must be received by this office before the reissue application can be allowed.

3. Claims 18, 19, 22 to 27 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As to claim 18; the limitations on lines 4-7 ("push rod cable" and "lateral camera") are not connected to remaining limitations, and thus the claim is directed to an aggregation of parts and not an "apparatus" (line 1) as claimed. How is this aggregation an apparatus?

As to claim 22; the limitation on lines 4-5 ("push rod cable") is not connected to remaining claim limitations.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 22-25 and 27 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Wood.

Wood teaches an apparatus, including: frame 36a; push rod 22; camera 20; mechanism 36/element 34 that provides for moving the part 32 in both a radial and rotational manner (col. 4, lines 25-32) such that the camera can be aligned with a lateral pipeline.

Wood does not provide particulars as to how mechanism provides for both tilting and rotation, and does not state that the motion is such that an entire inner surface of the conduit may be scanned.

As to claims 22, 27; movement in the radial ("radially" of col. 4, line 29) suggests that hose 30 bends, necessarily resulting in some degree of tilting. In addition, mechanism 36's rotational and radial motion on element 34 necessarily suggests that Wood's mechanism employs two (tilt and rotate) motors. Finally, the motion permits for the camera to scan the surface to permit for alignment.

As to claims 23, 24; elements 32 and 58a provide for a chute assembly.

As to claim 25; element 34 may be deemed to be a bracket.

7. Claims 18 and 19 are rejected under 35 U.S.C. 103(a) as obvious over Kipp.

Kipp teaches an apparatus, including: frame; cable 36; camera 24; and friction members 62 (col. 6, line 17).

Kipp does not refer to use of a motor to power the members 62.

As to claim 18; it would have been obvious to employ a motor to rotate the members 62 to drive the apparatus because Kipp teaches (col. 2, lines 12-19) that is known to employ driven wheels to propel cameral units, especially within pipes that do not include layers of dirt along the walls.

As to claim 19; note Kipp's "remote control" (col. 5, line 6).

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Baker et al pivots his camera for testing.

9. Claims 20 and 21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert R. Raevis whose telephone number is 703-305-4919. The examiner can normally be reached on Monday to Friday from 6:30am to 4:00pm. The fax phone number for the organization where this application or proceeding is assigned is 703-308-7722.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4900.

Raevis
AU2856